



ADMINISTRATIVE RECORD

1265070 - R8 SDMS

Concurrence

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET - SUITE 300  
DENVER. CO 80202-2466

Ref: 8MO

Edward F. Murgel, Mayor  
City of East Helena  
P. O. Box 1170  
East Helena, MT 59635

Dear Mayor Murgel:

Thank you for your letter of May 10 to Mr. Jack McGraw. On behalf of EPA Region 8, I would like to respond to the concerns you raised. I want to assure you that EPA shares your desire that East Helena residents have a safe place to live, work and play and hopes to continue working cooperatively with you and the City Council toward that goal.

Over the past several years, the City of East Helena, Lewis and Clark County, ASARCO, Montana Department of Environmental Quality and EPA have made substantial environmental progress in East Helena. As you are aware, lead-contaminated soil was removed from hundreds of residential yards, vacant lots, streets and alleys. Improvements were made within the plant to reduce emissions significantly. The Lewis and Clark County Health Department initiated and now administers a very successful Lead Education and Abatement Program. As you point out, the blood-lead levels of children tested in East Helena have declined not only in the past year, but in every previous year for which child lead monitoring has been conducted.

EPA agrees that the air and soil are much cleaner than they were in years past. However, many areas still pose risks to public health. These risks need to be better understood and ultimately addressed in some way. Thus, EPA encourages you and the City Council members to continue to work with the Lewis and Clark County Health Department and Board of Health to develop a system (such as institutional controls) to protect the substantial cleanup work that has been completed already.

I hope you and the City Council members recognize the importance of preventing the redistribution of contamination, and, together with the County, take responsibility for managing the lead that cannot be completely eliminated. We agree that funding for the proper administration of such protections is an important consideration. We are hopeful that ASARCO will continue to fulfill its responsibilities and provide the necessary funding. If not, EPA will explore other funding possibilities.

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EPA supports your efforts to encourage economic development in and around East Helena. Many provisions of the past removal action were put into place by EPA, at the request of previous mayors and city councils, to encourage continued development and expansion of the community.

You referred to contamination and health effects at Libby, and questioned why East Helena should not be considered as safe as--or safer than--Libby. I have enclosed a bulletin entitled "Ask EPA!!" As you will note (see especially Answer No. 3), there are areas within Libby that are not impacted by asbestos, and these areas are deemed safe. However, areas within Libby that remain impacted by asbestos are not safe and actions are being taken to make them safe. It is also important to point out that there are many areas about which EPA is still uncertain. These areas require careful management. All of these conditions hold true for East Helena as well.

All in all, EPA believes that environmental conditions in East Helena are far better than they were 10 years ago or before. The City and its residents, ASARCO, Lewis and Clark County, MDEQ and EPA have worked together to improve conditions to a remarkable degree. We hope to continue that cooperative effort with you, working toward an East Helena that is completely safe and an even more desirable place to live, work and play.

If you would like to discuss this further or set up a meeting, please contact Bob Fox, Superfund Program Manager in our Helena Office, (406) 457-5033.

Respectfully,

Max Dodson  
Assistant Regional Administrator

Enclosure

cc: John Wardell, Director, EPA - Montana Office  
Bob Fox, EPA Superfund Program Manager- Montana Office  
Scott Brown, Project Manager  
Suzanne Bohan, Site Attorney  
Diana Hammer, Community Involvement Coordinator  
Daryl Reed, MDEQ Project Manager  
Joan Bowsheer, LCCHD

concur D Scott Brown 8MO 6-18-02

8MO  
R.h. Fox  
6/19/02



# ASK EPA !!

## Questions and Answers

### about Asbestos and EPA's Investigation

**Q :** Someone recently wrote to EPA:

"I will be traveling to Libby Montana soon and I have three questions:

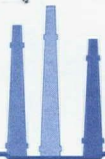
1. Is the area safe for the part-time traveler?
2. Would you buy property in Libby and live in town?
3. Are there areas in Libby that are safe or not safe?"

- A :**
1. Yes, Libby is safe for the "part-time traveler." Ambient air monitors collected samples near the mine and in four locations around Libby for an entire year. The air samples were analyzed and no asbestos was detected. Since the EPA began its work in November 1999, we have come to appreciate what a truly beautiful area Libby is. Much of the EPA staff and contractors working in Libby have spent vacation days there, some even bringing their families from all over the country.
  2. It is possible to live in Libby and not be at excess risk from asbestos. If I were considering buying property and living in Libby, the decision would not hinge on possible contamination. In fact, more is known about many Libby properties than properties in other places in the country. I would buy a house with vermiculite insulation, but would plan carefully how I would manage it. I might also buy a house in need of electrical or plumbing work with a similar understanding. I would consider options such as
    - hiring an asbestos professional to remove the vermiculite and decontaminate the home;
    - having a contractor trained in proper respiratory protection and protective clothing do any remodeling or renovation work; or
    - ensuring that Zonolite attic insulation is - and remains - sealed off from the rest of the house.
  3. Yes, there are areas in Libby, as there are everywhere, that are safe and those that are not safe. EPA has identified some areas where there remains asbestos contamination in the soil. However, cleanup work is underway. It is EPA's goal to identify and remove all such soil contamination in Libby as soon as possible, and we are well on the way. EPA carefully monitors the perimeter of any area where it is working and restricts access to those areas where the clean-up work is happening. There are many beautiful areas in Libby that are unaffected by asbestos contamination.

**For more information please contact:**

Paul Peronard, Project Manager at 303-312-6808, or  
Wendy Thomi, Community Involvement Coordinator at 406-441-1150 x241

July 2, 2001



# City of East Helena

B-mo  
1-CC Wardell  
2- Max  
Adrian Jay EPR  
22-5/21

**Mayor**  
Edward F. Murgel

**Council Members**  
Terrie Casey  
Wayne Krieger  
Buck Buckmaster  
Anthony Strainer

**City Attorney**  
Mike Rieley

**City Clerk**  
Sandra Milsten

**Public Works  
Director**  
Jim Rice

**Chief of Police**  
Mac Cummings

**City Judge**  
Larry Murphy

**Fire Chief**  
Troy Maness

7 East Main  
P.O. Box 1170  
East Helena  
Montana 59635

**City Offices**  
406-227-5321

**City Fax**  
406-227-5456

**Police Admin.**  
406-227-8686

May 10, 2002

Jack McGraw  
Acting Regional Administrator  
EPA  
999 18<sup>th</sup> Street  
Denver Place  
Denver, Colorado 80202-2405

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MAY 20 2002

USEPA RA'S OFFICE



Dear Mr. McGraw:

As the newly elected Mayor of East Helena, taking office in January of 2002, I am very honored to serve the citizens of this community. I am a native of East Helena. A concern in which I feel very strongly about, is with regard to the negative publicity East Helena has and continues to receive relating to the levels of "lead contamination" within the community. East Helena is now labeled a Superfund Site; fingers are pointing to the ASARCO Plant as the primary source of contaminants. I do not disagree that there are levels of lead in our soil, however, it is questionable as to whether or not the ASARCO plant was the sole contributor to this problem.

It's interesting, studies substantiating the negative impacts of lead exposure to citizens of this community, have not been reported. A newsletter recently distributed by the East Helena Lead Program clearly states "None of East Helena children who were screened for blood levels in 2001 had levels over 8 micrograms per deciliter (ug/dl). The CDC defines 10 mg/dl as an elevated blood lead level. The average of the tested East Helena children, ages 6 and younger, was 2.5 ug/dl. This was a reduction from previous years". A conclusion of this study, lead content in the air and soil is dissipating; that our community is environmentally safe.

Currently, I am working with Lewis and Clark County in an effort to develop regulations that would manage soil displacement and the disposal of lead contaminated soil in East Helena. A funding source for the implementation of this type of program has not been identified. What funding sources are being considered? The ASARCO plant has already invested millions of dollars in the community for remediation and community education. It appears ASARCO has made every effort to comply with the EPA in the remediation processes with successful results in reducing lead content. At this time, Grupo Mexico is attempting to bankruptcy, if they are unable to fund the program, who will be responsible?



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Jack McGraw  
Acting Regional Administrator  
EPA  
May 10, 2002  
Continued – Page 2

The environment, for years, has been polluted with leaded gasoline, lead base paints, mineral mining, mineral refining, etc.; the areas of pollution were not confined and were wide-spread throughout the United States. Educating communities regarding pollution is key; economic growth will not be inhibited if there is an educated awareness of the environmental affects of pollution. Our goal is to pursue economic development and visit the possibility of expanding our city limits through annexation of surrounding properties. It's time to assist this community and other communities in rebuilding from the affects of pollution; it's time to begin a campaign to promote economic growth; if we work together as a team, this can be accomplished. There are obstacles to overcome and opportunities to explore. Negative publicity replaced with positive publicity would certainly increase the prospect of achieving mutual goals. This community has worked with the EPA, State Superfund Program and the Lewis & Clark County Health Department and it is frustrating and disappointing that the only mention is that we are still considered a highly polluted area. It has been stated that the town of Libby, Montana is a safe place to live. There can be no comparison between the levels of contamination and potential health effects in Libby, Montana and the City of East Helena. While not disputing the health effects of lead, with education much can be done to turn this around.

The City of East Helena continues to be vigilant of possible contamination to our environment. Methods are in place to provide testing for contamination and to monitor lead levels. Recommendations for appropriate remediation of contamination is also provided. This is a cooperative effort among schools, businesses and residents of this community. Recognizing the steps the City has taken, receiving the support of the EPA in declaring East Helena a safe place in which to live would further our endeavors in promoting this area.

Jack McGraw  
Acting Regional Administrator  
EPA  
May 10, 2002  
Continued Page 3

As Mayor, I am committed to work for the betterment of this community and will strive to achieve these goals to ensure our children and grandchildren will continue to have an environmentally safe place to live, work and play.  
Thank you for your consideration.

Sincerely,

*Edward F. Murgel*  
Edward F. Murgel, Mayor

Council Members:

Terrie Casey  
*Terrie Casey*

Wayne Krieger  
*Wayne Krieger*

Robert "Buck" Buckmaster  
*Robert Buckmaster*

Anthony Strainer  
*Anthony Strainer*

Cc: Senator Conrad Burns  
Senator Max Baucus  
Congressman Denny Reberg  
John Wardell, EPA Region 8 – Montana Office, Helena  
Lead Abatement Program – East Helena, Montana  
Jon Nickel, ASARCO

*for Max's  
signature -  
Bob as  
point of  
contact*

## **② Doctor: Lead mafia misinforms**

**Pediatrician says lead poisoning in children a disappearing problem**

*By DAVID BOND*  
*Staff writer*

Everything you and the EPA know about the risk of childhood lead poisoning in the Spokane/Coeur d'Alene Basin is bunk.

So says the former Chief of Pediatrics at Kaiser Permanente. And he has substantial academic support.

Dr. Edgar J. Schoen, of the Regional Perinatal Screening Program at Kaiser's Department of Genetics in Oakland, says cases of symptomatic childhood lead poisoning haven't been seen in his profession for two decades.

The government squanders billions pursuing what may well be a nonexistent problem here and elsewhere because of a "lead mafia running on government grants," Dr. Schoen said.

"In my view, they get people all excited, and we spend billions tearing homes down and moving lead from Point A to Point B. At Vail (Colorado, another mining-related Superfund site) they were going to tear up a beautiful town like the Israelis are doing in the Mideast right now."

Schoen sees a parallel in the Spokane/Coeur d'Alene Basin.

He said he saw his share of childhood lead poisoning cases in his early days of medical practice in Boston, but because lead in household paint and gasoline have been removed, childhood lead poisoning has gone the way of polio.

"Put your priorities elsewhere, into infectious diseases, nutritional diseases, poverty, alcoholism," he said. "With lead, you are chasing your tail with a disappearing problem. Lead will be even lower 10 years from now than it is now. Let it go away."

Schoen, 76, has published more than 100 peer-reviewed papers in scientific literature in his 50 years as a practicing pediatrician. He is a clinical professor at the University of California and founder of the Lawson Wilkins Pediatric Endocrine Society. Among his specialties is environmental health for babies.

He was also chief of pediatrics for Kaiser Permanente and chairman of the American Pediatrics

## Task Force.

"Government agencies are telling people that childhood lead poisoning is often named as the leading environmental threat to our children. This conclusion is not accepted by most practicing physicians, who almost never see a case of symptomatic lead poisoning," Dr. Schoen said in a 1999 peer-reviewed paper published in the periodical Technology. The article's title is "Childhood Lead Poisoning and Tainted Science."

"Most pediatricians who practice in a large medical group in an urban environment see environmental threats daily. These include poverty, violence, homelessness, family dysfunction, abuse, teenage pregnancy, drugs and alcohol - but they have not included symptomatic lead poisoning," he said.

"Most physicians do not accept current (EPA) proclamations about the importance of childhood lead poisoning," he continued in his paper.

And in an interview this week with the Coeur d'Alene Press, Schoen said, "A pediatrician that has been trained within the past 20 years has never seen a symptomatic case of lead poisoning."

Before 1970, lead levels were a major threat to the health of thousands of children, particularly urban poor. Schoen said that as a house doctor in Boston between 1949 and 1951, he routinely saw children brain-damaged from ingesting house paint containing lead. Fatal lead poisoning occurred at blood-lead levels of 300 micrograms per deciliter of blood - astronomical even by blood-lead levels in Kellogg children taken during and immediately after the infamous 1974 bag-house fire at the Gulf Resources & Chemical Corporation smelter, when Silver Valley children's blood-lead levels reached their peak.

Blood-lead levels in the Spokane/Coeur d'Alene Basin children run about 5 micrograms per deciliter - closely tracking the trend of a 60-fold decrease in childhood blood-leads nationwide since the late 1940s, Schoen said, and close, within the margin of error, to the national level of 3 micrograms.

EPA claims credit for blood-lead reductions in the Silver Valley. Schoen says the reason for blood-lead reductions nationwide was the result of eliminating lead from household paint and gasoline.

Even in 1976, in its Shoshone Lead Health Project, the Centers for Disease Control found no impairment of IQ in Kellogg children who had been living or attending school in the shadow of the smelter smokestacks. Blood-lead levels had reached an average of about 60 micrograms among the 200 or so children tested right after the bag-house fire.

About the same time, according to citations in Schoen's article, pediatricians determined that children were out of danger with blood-leads of less than 100 micrograms. The CDC ratcheted that figure down to 60 micrograms, even as a 20-year follow-up study of Kellogg children reaching maturity determined that so long as childhood blood-leads were held to 80 micrograms, "socially and educationally, these adults did at least as well as their community peers."

Schoen carries no cross for the lead-mining industry at Kaiser Permanente.

"As for my connection to the lead industry, I have none. I even drink unleaded coffee," he said. "However, I do confess that I have gazed through leaded glass windows, and on special occasions have drunk champagne from leaded crystal.

"Does that violate my lead purity?"

So why did EPA's standards for lead - standards upon which its \$1.3 billion "remediation" of the Spokane/Coeur d'Alene Basin are predicated - fall so far below what practicing doctors believe are cautionary?

The answer is that EPA bases its assumptions about childhood lead on "controversial studies" that long since have been discredited by the scientific community, he said.

One member of the alleged "lead mafia" - a fellow pediatrician in the Bronx, Dr. John Rosen - "is completely humorous," said Schoen.

"He is terrible. He is a complete fanatic. It's empire-building for them. It's a career. There's no conflict of interest that he goes out and preaches on government grants."

Rosen is a frequent government-funded public speaker on behalf of the Kellogg-based Peoples Action Coalition Corporation, headed by Cataldo native Barbara Miller. Miller did not return calls for comment this week. Attempts to reach Rosen also were unsuccessful.

Critics say that key among EPA's flaws in its Basin science was a study by Herbert Needleman and colleagues published in 1979 connecting even low blood-lead levels to reduced IQ levels, and a subsequent CDC study in 1991.

EPA predicates its actions in the Spokane/Coeur d'Alene Basin essentially upon Needleman's 1979 article. Europe has rejected the Needleman study, and maintains an acceptable blood-lead level for children five times the amount (25 micrograms) as pursued by EPA in its proposed cleanup work here.

The Needleman paper caused quite a fracas in the scientific community. A 1983 critique of Needleman's work by Dr. Claire Ernhart raised subsequently "unresolved" questions about the Needleman article; these questions were raised again by pediatrician Ernhart and by Sandra Scarr, a psychology professor at the University of Virginia.

"In spite of (Ernhart's original critique), Needleman, with support from federal grants and environmental advocacy groups, assumed an increasingly influential role as chairman and member of the CDC advisory committees and as consultant to government agencies - including the EPA," said Schoen.

In 1990, Needleman testified on behalf of the EPA in an EPA suit against a steel company. His

testimony brought Ernhart and Scarr out firing. Their criticism of his work compelled the University of Pittsburgh, which originally had published his work, to review it.

The University of Pittsburgh's Hearing Board found Needleman's studies to consist of a "pattern of errors, omissions and contradictions" going back many years.

That same board ruled that Needleman's 1979 article, had it "contained all the caveats it should have contained regarding subject selection and model selection, it might not have been published, and it certainly should not have been a basis for federal policy."

A subsequent review of the science used by EPA to establish lead cleanup policy in the Spokane/Coeur d'Alene Basin also found a "pattern of errors, omissions and contradictions."

Needleman then was ordered by the University of Pittsburgh to submit a correction to the New England Journal of Medicine - which had published his original article - setting the record straight and admitting that his studies "were not as originally reported and did not meet scientific standards of reproducibility."

An environmental activist organization Needleman had helped found - the Alliance to End Childhood Lead Poisoning - leapt to his defense, and Needleman claimed he was the target of a Salem-style witch hunt by the academic and scientific communities.

Needleman then published another paper frequently cited by the EPA linking elevated bone-marrow lead levels to higher truancy rates among school children. However, he paradoxically found that the truants had a greater mean IQ than kids who attended school.

Literature cited by the EPA this year in defense of its \$1.3 billion cleanup plan for the Basin goes back to 1998 and includes in its three citations the two contested Needleman papers, but does not address Schoen's 1999 peer-reviewed study.

"If you just got these people out of poverty, you wouldn't have a problem," said Schoen. "If you just took kids who were abused, you'd find their lead levels 20 times higher than the norm. They just came from bad environments. Lead is not the cause of their problems; it's the marker."

Schoen's remarks come on the heels of a Thursday decision by the National Academy of Sciences to review the federal blood-lead level standard of 10 micrograms, which is six times lower than where Schoen and the Europeans see any symptomatic problems. The NAS review of EPA's entire standard-setting regimen is expected to take 18 months, and will not involve any lead-advocacy scientists on either side of the controversy.

Schoen said he will continue to put to the test "conventional wisdom" on what EPA and the "lead mafia" say is a necessary blood-lead standard for children.

"I'm kind of an adversarial guy," he said. "If I see something bad, I have a hard time letting it go."